IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15871 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SAKARBEN MAGANBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 15871 of 2003

MR PF ADHVARYU for Petitioner No. 1

MR DN PATEL for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE C.K.BUCH

Date of decision: 24/12/2003

ORAL JUDGEMENT

1. Rule. Service of rule is waived by learned

advocate Shri Krunal Pandya appearing for Shri D.N. Patel, Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

2. In this petition, the petitioner has prayed to issue appropriate writ, order or direction to the respondents authority directing the respondents to correct the date of birth of the petitioner in the passport No. B.5638229 from 06.03.1931 to 04.02.1930 and issue fresh passport to the petitioner showing correct date of birth as 04.02.1930.

3. The grievance of the petitioner is that the petitioner has been issued a passport which bears incorrect date of birth. That birth date mentioned in the passport is the birth date mentioned in the School Leaving Certificate (SCL for short) tendered to the authority at the relevant point of time. However, her correct date of birth is 04.02.1930. In support of her say, she has produced Birth Certificate issued by the Talati-cum-Mantri, Sihol Gram Panchayat certifying that the date of birth of the petitioner is 04.02.1930. She has also produced affidavits supporting the said stand.

4. Looking to the facts of the case, the petitioner is directed to submit an application to the respondent authority with relevant documents and evidence to show that the petitioner was in fact born on 04.02.1930. If the authority is satisfied that the correct date of birth of the petitioner is 04.02.1930, I am sure that the authority shall issue a new passport recording correct date of birth i.e. 04.02.1930.

5. In the instant case, the petitioner while giving information/details to the passport authority, had committed an error and instead of mentioning correct date of birth, she mentioned the date of birth as mentioned in SCL i.e. 06.03.1931. Because of the error committed by the petitioner, the respondent passport authority shall have to be directed to issue new passport on the strength of the representation made and in light of the observations made in this judgment mentioning the correct date of birth of the petitioner viz. 04.02.1930. The respondents have been dragged into the present litigation because of the error committed by the petitioner in furnishing details to the passport authority as aforesaid and now the passport authority shall have to consider the representation and issue new passport with the correct date of birth and hence the petitioner should be fastened with the liability to pay some costs and the same is quantified at Rs.5000/. (Rs. Five thousand only). Petitioner, therefore, is directed to pay the aforesaid amount of costs to the respondent passport authorities

directly.

6. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute to the above extent. D.S. permitted.

[C.K. BUCH, J]

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